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## SOUTHERN METHODIST UNIVERSITY INFRACTIONS REPORT

By the NCAA Committee on Infractions

MISSION, KANSAS--The report is organized as follows:

I. Origin of the Case.

II. Findings of Violations as Stipulated by Southern Methodist University and the NCAA Enforcement Staff.

III. Factors Considered in Judgment of Case.

IV. Committee on Infractions Penalties.

I. Origin of the Case.

On October 21, 1986, an NCAA enforcement representative interviewed a former football team member from the university (and the young man's mother) who reported possible major violations of NCAA legislation. On October 27, a television sportscaster and film crew interviewed the university's former director of athletics, former head football coach and the former administrative assistant to the director of athletics concerning possible payments of cash to the young man. On October 29, the university's faculty athletics representative, Lonnie Kliever, contacted the NCAA enforcement staff to report that a former student-athlete apparently had alleged serious violations in the conduct of the university's football program. Mr. Kliever pledged the university's cooperation with the NCAA in the review of the matter, and he was informed that the NCAA previously had met with the young man. On November 3, the enforcement staff shared the specific information provided by the former student-athlete with Mr. Kliever, and on November 12, a documentary concerning the young man was telecast by a Dallas television station.

Thereafter, the institution developed additional sources of information concerning its football program and directed inquiries in accordance with methods of discovery and means of reporting established through close consultation with the enforcement staff. Further, the responsibility for [Page 2] conducting interviews and gathering evidence was shared fully by the university's representatives and the enforcement staff.

On February 6, 1987, the university submitted an institutional report to the NCAA Committee on Infractions, which contained a statement of violations that was stipulated by the university and enforcement staff and the university's recommended penalties. Representatives of the university appeared before the Committee on Infractions on Friday, February 13, 1987, in Coronado, California, to discuss the institutional report.

The stipulated violations are restated in Part II of this report. The committee's conclusions concerning this case are set forth in Part III, and the committee's penalties are contained in Part IV. The university's recommended penalties are attached to the report as Appendix A.

## II. Findings of Violations as Stipulated by Southern Methodist University and the NCAA Enforcement Staff.

Violations of the principles governing amateurism and extra benefits to student-athletes [NCAA Constitution 3-1-(a)-(1), 3-1-(a)-(3) and 3-1-(g)-(5)]--During the period September 1985 through December 1986, monthly payments ranging from \$50 to \$725 were made to numerous student-athletes in the sport of football from funds provided by an outside representative of the university's athletics interests.

Specifically, subsequent to the conclusion of an NCAA infractions case in August 1985, certain key athletics department staff members agreed that promises made to student-athletes prior to the 1984-85 academic year during the young men's recruitment should continue to be fulfilled. Previous cash payments to the student-athletes had gone undetected by the NCAA, and the involved staff members agreed to continue the payments and to distribute them to the young men. It was understood that such payments would not be made to new student-athletes. An outside athletics representative who had been disassociated from the university's athletics program for involvement in the NCAA infractions case provided the funds for these payments.

As a result of these arrangements, 13 football team members received payments during the 1985-86 academic year that totaled approximately \$47,000, and eight student-athletes continued to receive payments from September through December 1986 that totaled approximately \$14,000. Payments were not continued subsequent to December 1, 1986, and reportedly, all but three of the student-athletes have exhausted their eligibility.

## III. Factors Considered in Judgment of Case.

A. At the June 1985 NCAA special Convention, the NCAA membership enacted a series of mandatory penalties applicable to member institutions found [Page 3] guilty of repeat major violations. A "repeat major violation" is a second major violation found at an institution within a five-year period following the starting date of a major penalty.

At the February 13, 1987, hearing before the Committee on Infractions, the university agreed that repeat major violations had been committed by key members of both the football coaching staff and the athletics administrative staff, and another person for whose actions Southern Methodist University is responsible. A statement of the violations that the university agrees took place is set forth in Part II of this Infractions Report.

The issue, therefore, that the Committee on Infractions has confronted is whether to impose the mandatory penalties, the so-called "death penalty," or to exercise its discretion to impose less serious penalties because of unique circumstances in the case.

B. The present infractions case does present some unique circumstances that arguably call for the committee to exercise its discretion to impose less than the mandatory penalties. The efforts of the university in this investigation are commendable, and the dedicated work of the university's faculty athletics representative, Lonnie Kliever, went far beyond what could fairly be expected of a single faculty athletics representative. So impressed was the NCAA enforcement staff with the efforts of Mr. Kliever that the staff joined in the university's request that the committee impose penalties that were substantially less severe than those prescribed by the membership for a repeat major violation. Specifically, the staff joined with the university in urging that no football season be canceled. The university recommended a cancellation of two nonconference games for two seasons, while the enforcement staff recommended that all nonconference games be canceled for two years. Otherwise, the university and enforcement staff were in agreement with regard to coaching staff, grant-in-aid and recruiting reductions. The penalties recommended by the university are attached as Appendix A.

C. The committee gave serious and prolonged consideration to the recommendations of both the university and the enforcement staff, but declined to accept either recommendation. Factors that the committee believes call for more substantial penalties than those recommended include the following:

1. As a committee of the Association, the Committee on Infractions is bound by the judgment of the membership. That judgment was made absolutely clear in the recently adopted legislation and provides that serious repeat violators are to receive heavy penalties. That legislation was passed by an overwhelming majority of the membership.
2. Not only is Southern Methodist University a repeat major violator, but its past record of violations is nothing short of abysmal. Both the current infractions case and the university's 1985 [Page 4] infractions case involved major violations that occurred at times when the university was on NCAA probation for previous serious violations. These violations and additional past infractions cases demonstrate that numerous individuals associated with the university's athletics program, including key staff members and outside representatives, have been committed to achieving athletics success through deliberate and flagrant violations of fundamental NCAA rules that were designed to maintain equal and fair competition.
3. Past efforts at the university to design a program to gain a competitive advantage over the university's competitors by cheating did achieve its apparent goal -- a winning record and national prominence for its football program.
4. As recently as September 1986, the university requested the committee to grant relief from an earlier penalty. This request was made at a time when some key athletics department staff members knew full well the cheating that caused the penalty to be imposed was continuing, and those individuals deliberately failed to disclose this fact.
5. Three unidentified enrolled student-athletes with eligibility remaining who have received improper payments refuse to identify themselves despite efforts by the university to persuade them to do so and despite the fact that they were offered limited immunity by the Committee on Infractions.

6. Although institutional personnel who were responsible for the football program have been separated from the university, the terms of their separation are unknown, and there has been no acknowledgment of the identity of those staff members who are most responsible for the flagrant, continuing violations found in this case.

7. There was no explanation in this case from the former director of athletics or the former head football coach regarding the reasons violations continued to occur after the appearance of the university's representatives before the committee in April 1985. During that appearance, assurances were given to the committee that all known violations had been disclosed and that every effort would be made to avoid violations in the future. Both assurances turned out to be false.

8. The continuing source of the funds for the violations found in this case was a university booster who the institution assured the committee in 1985 had been disassociated from the athletics program. The fact of this disassociation was stressed by the university as evidence of institutional remedial action at the time of its April 1985 hearing. Yet, when it subsequently became apparent in August 1985 that payments to football team members had not stopped, this booster was requested by key athletics department staff members to continue to fund the payments that were distributed through the athletics department. This arrangement was concealed by certain institutional staff members. [Page 5]

D. The penalties that the committee determined to be appropriate in this case are severe, but they differ in some respects from the prescribed repeat major violator penalties set forth in Section 7-(d) of the NCAA enforcement procedures. The committee accepted the view that there are uniquenesses in this case, but concluded that the university should be permitted to rebuild a football program only under carefully controlled conditions. The committee is satisfied that the university went to extraordinary efforts to uncover wrongdoing in its program in this case, and the committee is encouraged that there is evidence of actions by the university to obtain full compliance with NCAA regulations. Therefore, although the committee's penalties are intended to eliminate a program that was built on a legacy of wrongdoing, deceit and rule violations, the penalties also are intended to permit a new beginning for football at the university under a timetable that provides some relief from the recovery period required by the prescribed penalty structure.

In addition, it should be noted that one of the prescribed penalties would have prohibited the university's membership on NCAA committees and denied institutional voting privileges for four years. These penalties were not imposed, in part because the institution's actions in this case demonstrate that it should be permitted to participate in the consideration of significant issues facing NCAA athletics programs.

#### IV. Committee on Infractions Penalties.

A. Probation. The university shall be placed on probation until September 1, 1990, it being understood that should any of the penalties in this case be set aside for any reason other than by appropriate action of the Association, the penalties shall be reconsidered by the Committee on Infractions; further, the university shall conduct annual audits of the expenses and income of its

football team members during the probationary period (i.e., by September 1, 1988, 1989 and 1990) to ensure that these student-athletes can meet their financial obligations without improper financial assistance, and the university shall report the results of these audits in writing to the NCAA enforcement staff, and finally, the NCAA shall conduct a review of the university's athletics policies and procedures prior to the expiration of this probationary period, which shall include an in-person visit to the university.

B. Football Games. The university shall be prohibited from participating in any football game or scrimmage with outside competition in 1987. During the 1988 football season, the university shall be limited to no more than seven games or scrimmages against outside competition, none of which shall be a "home" game; further, the university shall not be permitted to participate in "live" television appearances in the 1988 season or in postseason competition following that season.

C. Practice. During the the 1987 calendar year, practice in the sport of football at the university shall be limited to conditioning programs [Page 6] only, and no football equipment may be used other than helmets and shoes. Teaching of football fundamentals or techniques shall be prohibited; no instruction, including walking through plays or watching films, shall be permitted. The university shall be permitted to resume normal practice activities in the spring of 1988.

D. Coaches. The university shall be limited to the use of no more than one head football coach and five full-time assistant football coaches until August 1, 1989.

E. Grants-in-Aid. No student-athlete in the sport of football shall receive initial, athletically related financial aid (as set forth in O.I. 600) that would be countable in the 1987-88 academic year at the university; further, no more than 15 student-athletes shall be recipients of initial, athletically related financial aid that would be countable in the 1988-89 academic year, and finally, no student-athlete who receives countable financial aid for the 1988-89 academic year shall be permitted to receive such aid until at least the beginning of that academic year at the university.

F. Recruiting. No member of the university's football coaching staff shall be permitted to participate in any off-campus recruiting activities (except the evaluation of prospects during football evaluation periods only) until August 1, 1988. Further, no prospective student-athlete in the sport of football shall be provided an expense-paid recruiting visit to the university until the beginning of the 1988-89 academic year, and no more than 45 such visits shall be permitted during that academic year.

G. Disassociation. The university shall show cause within 15 days of receipt of this report why additional institutional penalties should not be imposed upon the university if it fails to take further corrective action in regard to the nine outside representatives who were disassociated for varying periods of time in the university's 1985 infractions case. In the committee's view, such action should permanently prohibit these individuals from providing the university's athletics program with any financial contributions or other support services for any purpose. These individuals should not be permitted to retain membership in the university's booster organizations and should not be permitted to receive any special athletics benefits from the

university other than those available to the general public. [NOTE: Refer to Section 7-(b)-(12) of the enforcement procedures, pages 223-224 of the 1986-87 NCAA Manual to review the "show-cause" procedure.]

The committee's penalties in this case are severe, and they are designed to compensate for the great competitive advantage that Southern Methodist University has gained through long-term abuses and a pattern of purposeful violations of NCAA regulations. The penalties also have deterrent value for others who [Page 7] might be tempted to follow the example set by Southern Methodist University; however, the penalties also are intended to achieve a long-term rehabilitative objective. The present administration of the university has expressed its hope for a new beginning in athletics, and canceling the football season in 1987 will afford an opportunity for the university to start a new football program based on integrity and fair play rather than on wrongdoing and deception.

#### NCAA COMMITTEE ON INFRACTIONS

M. Minnette Massey

Thomas J. Niland Jr.

Frank J. Remington (Chair)

Milton R. Schroeder

D. Alan Williams

Marilyn V. Yarbrough

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Attachment [Page 8]

#### APPENDIX A

##### Penalties Recommended by Southern Methodist University

1. Elimination of two nonconference games for two seasons (limited to nine contests per season).
2. Reduction from nine to six assistant coaches for two years.
3. Reduction from 25 to 15 initial grants-in-aid for three years (to be applied after the current recruiting season, which already is limited to 15 grants-in-aid).
4. Limitation in off-campus recruiting to head coach and four assistant coaches for three years and reduction to 45 official campus visits per year for three years.

5. Ineligibility for postseason competition for two years.
6. Ineligibility for live television coverage for two years.
7. Probation for four years.
8. Institutional recertification.